



UNITED STATES | ENGLAND | GERMANY | CHINA

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May 23, 2007

VIA EMAIL

Mr. Richard T. Garren
Riggs, Abney, Neal, et al.
502 West Sixth Street
Tulsa, OK 74119-1010

Re: State of Oklahoma v. Tyson, et al.
Case No. 05-CV-0329 GKF-SAJ

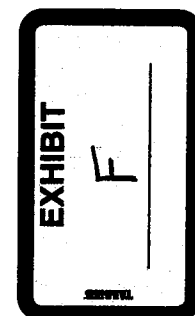
Dear Mr. Garren:

In response to your letter of May 21, 2007, please note that the Cargill Defendants have already addressed in my correspondence of March 14, 2007, March 16, 2007 and May 17, 2007 the issue of the person(s) most knowledgeable about the search for and production of documents responsive to the State's discovery requests. Each of these letters explained the Cargill Defendants' position in great detail. However, in reply to these letters the State has done nothing more than repeat its request. You have not attempted to provide a substantive response. You have not attempted to support your position as to why you "disagree" with the Cargill Defendants. And, you have not attempted to arrange a meet and confer.

As noted in my correspondence of March 14, 2007, the Cargill Defendants have identified Tim Alsup, Gary McGarrah, Katie Teel and Bobbi Devor as individuals generally knowledgeable about the documents available from the Cargill Defendants responsive to the State's requests. The Cargill Defendants have also identified Dennis Fulbright and Richard Burr as two individuals knowledgeable about the Cargill Defendants' electronically stored information responsive to the State's requests.

The Cargill Defendants have already provided detailed explanations of the method and manner of its document collection and production. As set forth in Rule 26(b)(1), "[p]arties may obtain discovery regarding any matter, *not privileged*, that is relevant to the claim or defense of any party" Additional case law supporting this proposition, including Judge Joyner's own Order with regard to the proposed deposition of Attorney General Edmondson, is cited in my March 16, 2007 letter. If the State has case law and facts

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to support its position that the conduct of the Cargill Defendants' counsel in collecting and producing documents as detailed in my previous letters is "not privileged," I invite you to provide me with said case law.

Please be assured that the Cargill Defendants have no intention of resisting properly constituted efforts at discovery when and if made. As set forth in this and prior correspondence, there are methods of obtaining the information the State seeks that will not invade privilege including, among other things, deposing individuals previously identified by the Cargill Defendants as having knowledge relevant to this issue. Should the State wish to depose the persons identified by the Cargill Defendants in response to its records custodian deposition notice, I ask that you please specify the name of the witness(es) and provide a range of proposed dates so that we can target a mutually acceptable date for counsel and witnesses.

In future correspondence on behalf of the State on this issue, please include substantive factual and legal support for your position, as those are the types of communications that are helpful towards understanding and resolving issues in good faith. We look forward to your future communication in this regard including, if necessary, to meet and confer in good faith.

Sincerely,



Dara D. Mann

MANDD

cc: Trevor Hammons
Theresa Hill

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